

Docket Item #12
SPECIAL USE PERMIT #2006-0067

Planning Commission Meeting
September 7, 2006

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: Chuchart Kampirapang

LOCATION: 2461 Eisenhower Avenue
Units #215 & #219

ZONE: CDD-#2/Coordinated Development District

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Chuchari Kampirapang, requests special use permit approval for the operation of a restaurant located at 2461 Eisenhower Avenue, Units #215 & #219.

SITE DESCRIPTION

The subject property is part of what is known as the Hoffman Town Center and is developed with the Hoffman office buildings (Hoffman I and II), with one-story retail and restaurant space that wraps around the south and east sides of the buildings, and a crescent-shaped pedestrian plaza oriented toward Swamp Fox Road. The applicant proposes to occupy a 1,619 square feet tenant space facing Eisenhower Avenue. Some of the remaining retail space is still vacant, however, there is a Bread and Chocolate Restaurant, Cold Stone Creamery, a barber shop and dry cleaner located northeast of the subject tenant space along the pedestrian plaza. In May of 2004, City Council approved Ted's Montana Grill to occupy 5,398 square feet of floor area south of the subject site.



SURROUNDING USES

In addition to the immediate retail tenant spaces along the pedestrian plaza, surrounding uses include Ruby Tuesday's restaurant, the San Antonio Grill restaurant, a movie theater, surface parking and offices. The Eisenhower Metrorail station is located southeast of the subject property.

SUP HISTORY

On June 13, 1998, City Council granted Special Use Permit #98-0042, with site plan, to construct a theater with retail and restaurant uses. Condition #2 states that each restaurant is required to obtain a separate Special Use Permit for operation. On October 14, 2000, City Council approved DSUP #2000-0028 amending SUP#98-0042 to add an office building and parking garage on existing surface parking behind the movie theaters, and add facade details for the subject property.

PROPOSAL

The applicant proposes to operate a full service Thai Restaurant with 120 indoor dining seats and 10 outdoor dining seats. The outdoor seating will be situated in the corner created by the tenant space and the office building and along the window front facing Swamp Fox Road on private property. The tables and chairs will not be permanent in nature and aligned in a way that maintains sufficient sidewalk clearance. Carry-out service will be available, but no delivery service is proposed. The

applicant proposes that their peak hours of operation are daily between Monday- Friday 11:30am-2pm as well as daily evening hours from 6pm-9pm.

Hours:	11am- midnight daily
Number of indoor seats:	120
Number of outdoor seats:	10
Noise:	No mechanical noise is anticipated. If patrons are too loud, restaurant staff will ask patrons to leave.
Trash/Litter:	4 bags per day to be collected 4 times per week.
Alcohol:	Applicant proposes to offer on premise beer and wine only.
Loading/Unloading:	Monday and Friday 10am-11am

PARKING

Pursuant to Section 8-200 of the Zoning Ordinance, the proposed restaurant is required to provide 33 spaces, one space for every four seats. Parking requirements for the subject restaurant space were analyzed and met under the Special Use Permit approved in 1998 for the theater building and pedestrian plaza area at the Hoffman office buildings (SUP#98-0042).

The parking requirement for the theater, retail and restaurant uses is 1,741 parking spaces. The office buildings (Hoffman I and II) require 1,523 parking spaces. The total parking requirement is 3,264 parking spaces. There are currently 3,833 parking spaces on the Hoffman Tract; this total number will be reduced to 2,724 spaces in the first phase of development, with the construction of the theater and retail uses and the reconfiguration of the surface lots, 540 parking spaces fewer than required (SUP#98-0042).

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD-2/Coordinated Development District. According to Section 5-602 of the Zoning Ordinance, the underlying zoning of the CDD-2 zone is OC/Office Commercial. According to Section 4-803 (AA) of the Zoning Ordinance, a restaurant is allowed in the OC zone only with a special use permit. The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for commercial uses.

II. STAFF ANALYSIS

Staff supports the proposed full service restaurant located at 2461 Eisenhower Avenue. Restaurant uses were a part of the original development concept. The proposed restaurant is compatible with the nearby theater and office uses. It will provide a convenient restaurant establishment for daytime office users, but will also provide another destination for the theater and restaurant patrons during the evening, creating a more lively, active environment. Although the applicant has not requested to be open beyond 12am, staff recommends allowing the operation to be open until 1:30am to provide flexibility for the applicant. The later hours are consistent with the hours of operation of the nearby San Antonio Grill and Ted's Montana Grill, also allowing on-premise alcohol. The proposed restaurant is consistent with the Eisenhower East Small Area Plan which envisions a vibrant mix of retail and restaurant uses in a new town center approach at Hoffman.

Staff finds that the reduced number of parking spaces for the development should suffice since the theater and office uses have different peak usage times and thereby can share parking. The original TMP for the Hoffman project, approved with the concept plan for the Hoffman CDD, utilized shared parking and staff supported the approach. (DSUP#2000-0028).

Staff has included the standard restaurant conditions and a condition requiring a review of the restaurant after it has been operational for one year. With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z).
2. Seating shall be provided for no more than 120 indoor seats and 10 outdoor dining seats. (P&Z)
3. Outside dining is permitted on private property in accordance with the attached plan. The applicant shall ensure that pedestrian access past the outdoor seating area is provided per City codes and that the outdoor seating area is cleaned at the close of each day of operation. At least two landscape planters of a style and at a location approved by the Department of Planning and Zoning shall be placed in the area devoted to the outdoor seating area, to include four seasons of plants. (P&Z)

4. On site alcohol, beer, and wine are permitted; no off-premise alcohol sales are permitted. (P&Z)
5. No live entertainment shall be provided on the premises. (P&Z)
6. The hours of operation shall be between 11:00 a.m.- 1:30 a.m. daily. (P&Z)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)
9. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
11. All disposable paper goods or drink containers shall be clearly marked so that the source of any litter can be identified. (P&Z)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
13. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
14. Loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
15. Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)

16. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
17. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
18. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
19. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees and a security survey for the business, which is to be completed prior to the business opening. (Police)
20. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
21. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold and advertising of carpooling opportunities. (P&Z)
22. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
James Hunt, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.

Code Enforcement:

- C-1 The current use is classified as M, Mercantile; the proposed use is A, Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition

of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.

- C-3 A Certificate of Use of Occupancy is required prior to opening.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-7 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-8 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- C-9 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-10 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.

- C-11 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.

SUP 2006-0067
2461 Eisenhower Ave

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**